

**OFFICE OF THE APPELLATE DEFENDER
REPORT TO THE MONTANA PUBLIC DEFENDER COMMISSION
October 1, 2008 through January 1, 2009**

The Appellate Defender Office (ADO) took in a total of 21 new appeals during the above period; one was contracted out of office. Four new post-conviction relief cases and two writs of supervisory control have been contracted out of the office.

Currently, the ADO is awaiting either transcripts or the district court record to be filed before appointment on 13 cases. There are 18 cases pending the filing of the notices of appeal and transcript requests.

Starting on September 8, 2008, new procedures for transmitting cases from the district court level to the Supreme Court were initiated by the ADO. The Appellate office now files all Notices of Appeal and Transcript Requests in all OPD cases including contracted cases. This new process has allowed the ADO to have more control over when appeals are filed and therefore has significantly decreased the number of cases contracted to private attorneys. It has also allowed the ADO to review the case before ordering transcripts which in some cases decreases the money spent on transcripts that are irrelevant to the appeal. It has also lowered the number of motions to supplement the record in the appeal—which can extend the time it takes to file briefs.

Since October 1, 2008, the ADO has filed 36 briefs (25 opening briefs of which 7 were either dependent/neglect or mental health opening briefs; 9 reply briefs and 2 Anders briefs).

Briefs filed within ADO by month:

08/2006	5	06/2007	14	4/2008	27
09/2006	5	7/2007	18	5/2008	13
10/2006	12	8/2007	19	6/2008	21
11/2006	15	9/2007	23	7/2008	14
12/2006	10	10/2007	21	8/2008	15
01/2007	14	11/2007	16	9/2008	15
02/2007	12	12/2007	17	10/2008	11
03/2007	14	1/2008	18	11/2008	12
04/2007	18	2/2008	20	12/2008	13
05/2007	15	3/2008	21		

A total of 447 briefs filed from the period of 6/30/2006 through 12/31/2008.

There are 168 appellate cases open within the ADO.

FTE within ADO	57
Regional FTE	8
Contract	11
Post-conviction Relief	17
Writs of Supervisory Control	2
Inactive cases pending opinion	73

To date 350 cases have been closed. (This includes Appellate Cases, Writs of Supervisory Control, Post-conviction Relief Cases and all Contract Cases.)